THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No. 7131 of_2004

Dated:12.10.2006

Between
A.P.Gadivasi Girijana Rastra Council
Rep., by its State Convenor
Kursam Subba Rao Dora
…..Petitioner

and

1.The Mandal Revenue Officer,
Chintur Mandal, Chintur, Khammam
District and others …
Respondents

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W.P.No.7131 of_2004

ORDER:

This writ petition is filed seeking a Mandamus to declare the orders dated 29-01-2004 in Circular Rc.No.B/1681/2003 passed by the 1st respondent, imposing restrictions for purchasing procurements and other collected material by the Tribals from the forest only through the members of Velugu Pathakam Committee, as arbitrary and illegal.

It appears that the petitioner is the Girijana Rastra Council. In this writ petition, the validity and legality of the instructions issued by the 1st respondent-Mandal Revenue Officer vide circular Rc.No.B/1681/2003, dated 29-01-2004 are under challenge, wherein, the forest produce collected by the Tribes was directed to be sold only to the Village Organization of Chintur. It is the case of the petitioner that in and around Chintur Mandal, nearly 30 to 40 thousand tribes are residing in the schedule area. Their livelihood is based on

collection of forest produce/material from the forest. The said produce was to be purchased by A.P.Girijana Corporation. There is no other Body empowered to collect the forest material from the scheduled tribes in the schedule areas. All the minor forest produce which was collected by the local tribes in the villages are to be purchased only by the Girijana Corporation Limited, which is constituted for the purpose. Further, the A.P. Minor Forest Produce Act, 1971, clearly provides that all the produce is to be purchased only by the A.P.Girijana Corporation Limited and there is no other Body empowered to purchase the same. After collecting the forest produce, the same will be put to sale in the Shandy at Chintur on every Wednesday of the week. Now, under the impugned instructions the Tribes are directed to sell the produce only to the Village Organization of Chintur. The Velugu Pathakam Committee is constituted by 22 – 30 members including Tribes and non-tribes. These members only will be benefited by constituting the said committee. In the instant case, imposing restrictions to sell the forest produce/material only to the members of the committee is arbitrary and

illegal and it is not in the interest of the tribes.

No counter is filed.

I am of the opinion that the impugned circular purported to have been issued by the Mandal Revenue Officer, Chintur has no sanction of law. It seems that under the instructions of the Project Officer, ITDA, Bhadrachalam, the Mandal Revenue Officer has issued the circular. While admitting the Writ petition, on 15-04-2004, interim suspension of the impugned order was granted and the same is subsisting till date.

In view of the above, I am of the opinion that the very writ petition is liable to be allowed since the impugned circular is not supported by any law for the time being in force.

Accordingly, the writ petition is allowed and the impugned circular is set aside. No costs.

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12-10-2006

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